



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/997,209	11/28/2001	William D. Huse	P-IX 5066

23601  
CAMPBELL & FLORES LLP  
4370 LA JOLLA VILLAGE DRIVE  
7TH FLOOR  
SAN DIEGO, CA 92122



CONFIRMATION NO. 3759

## FORMALITIES LETTER



\*OC000000007589162\*

Date Mailed: 03/06/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$528.
  - \$360 for 20 total claims over 20.
  - \$168 for 2 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1398.**

06/13/2002 BSAYAS11 00000030 09997209

01 FC:201	370.00 OP
02 FC:202	84.00 OP
03 FC:203	180.00 OP
04 FC:205	65.00 OP

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



06-10-02

Mpf

PATENT

Our Docket: P-IX 5066

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
William D. Huse

Serial No.: 09/997,209

Filed: November 28, 2001

For: EUKARYOTIC EXPRESSION  
LIBRARIES AND METHODS OF USECOMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231  
Attention: BOX MISSING PARTS

) Examiner: Not Yet Known

) Group Art Unit: 1645

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

) "EXPRESS MAIL" MAILING LABEL NUMBER: EV065745895US

) DATE OF DEPOSIT: June 6, 2002

) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER  
37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS  
ADDRESSED TO COMMISSIONER FOR PATENTS, BOX PATENT  
APPLICATION, WASHINGTON, D.C. 20231.Antonio De la Cruz  
Printed Name of Person Mailing Paper or FeeAntonio De la Cruz  
Signature of Person Mailing Paper or FeeMISSING PARTS TRANSMITTAL

Dear Sir:

In response to the Notice to File Missing Parts mailed  
March 6, 2002, enclosed are:

- ☒ 1. A copy of the Notice to File Missing Parts;
- ☒ 2. An executed Declaration for Patent Application;
- ☒ 3. A Recordation Form Cover Sheet and an executed Assignment;
- ☒ 4. An executed Small Entity Statement;
- ☒ 5. An executed Power of Attorney for Patent Application by Assignee;
- ☒ 6. An executed Statement Under CFR 3.73(b) with copy of executed Assignment.
- ☒ 7. Petition for one-month Extension of Time (in duplicate)

The filing fee has been calculated as shown below:

	NUMBER FILED		NUMBER EXTRA		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	40 - 20	=	20	x	\$9	\$18	= \$180.00	\$
INDEPEN- DENT CLAIMS	5 - 3	=	2	x	\$42	\$84	= \$84.00	\$
MULTIPLE DEPENDENT CLAIMS PRESENTED: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>					\$140	\$280	= \$0.00	\$
					BASIC FEE		\$370.00	\$740
					TOTAL FEE		\$634.00	

- ☒ 8. A check in the amount of \$794.00 to cover the filing fee of \$634.00, the surcharge fee of \$65.00, the recordation fee of \$40.00, and \$55.00 for one-month extension of time for the application is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Inventors: William D. Huse  
Serial No.: 09/997,209  
Filed: November 28, 2001  
Page 2

X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17.

X The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted

Date: June 6, 2002

By: Deborah L. Cadena  
Deborah L. Cadena  
Reg. No. 44,048

CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
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San Diego, California 92122  
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Facsimile: (858) 535-8949  
USPTO CUSTOMER NO. 23601



PATENT  
Our Docket: P-IX 5066

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
William D. Huse )  
Serial No. 09/997,209 )  
Filed: November 28, 2001 )  
For: EUKARYOTIC EXPRESSION )  
LIBRARIES AND METHODS )  
OF USE )

Commissioner for Patents  
Washington, D.C. 20231

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

(1) Individual person:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

(2) Small business concern:

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint

Inventors: William D. Huse  
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Page 2

venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

**(3) Nonprofit organization:**

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

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Page 3

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

None

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

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I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

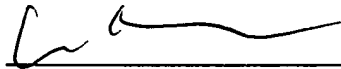
I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

5.24.02

Date



William D. Huse, M.D., Ph.D.  
Chief Scientific Officer and  
Chief Executive Officer

APPLIED MOLECULAR EVOLUTION, INC.  
3520 Dunhill Street  
San Diego, California 92121



DECLARATION FOR PATENT APPLICATION  
(3 PAGES)

Attorney Docket No.: P-IX 5066  
Serial No.: 09/997,209

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Antonio De la Cruz

Printed Name of Person Mailing Paper or Fee

Antonio De la Cruz

Signature of Person Mailing Paper or Fee





STATEMENT UNDER 37 C.F.R. § 3.73(b)  
WITH ATTACHED COPY OF EXECUTED  
ASSIGNMENT (4 PAGES)

Attorney Docket No.: P-IX 5066  
Serial No.: 09/997,209

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20231.

Antonio De la Cruz  
Printed Name of Person Mailing Paper or Fee

Antonio de la Cruz  
Signature of Person Mailing Paper or Fee



POWER OF ATTORNEY FOR PATENT  
APPLICATION BY ASSIGNEE (2 PAGES)

Attorney Docket No.: P-IX 5066  
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SMALL ENTITY STATEMENT (4 PAGES)

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